

From: John Tegen
To: Microsoft ATR
Date: 1/7/02 11:41pm
Subject: Microsoft Settlement

Greetings:

I started a company to provide applications for Be Inc. operating system -- the BeOS. The company is OmicronSoft (www.omicronsoft.com). I started it in 1996 so that I could provide better quality applications found on other Operating System, including Windows and Apple. Due to the unlawful practices of Microsoft, they were successfully able to prevent Be Inc. to enter the market place by restricting OEM vendors like Hitachi, Dell, and Compaq to provide alternative operating systems to the consumer. This crushed Be Inc. as well as software providers like ourselves. Microsoft's actions prevented us to earn a living and prevented the consumer to choose an alternative and better solution for their computing needs.

It is our opinion that the current settlement with the DOJ is far too weak to be harmful to Microsoft. If similar actions were enforced during anti-trust litigation earlier last century, we would have one oil company, one railroad company, and one telephone company. In some regards, it has allowed them to unfairly to penetrate markets that they have been trying to enter (e.g. Education). The longer Microsoft is allowed to continue in their normal fashion, the longer they have to make billions of dollars, eliminate competition, and provide the US consumer and Government poor quality products. As the DOJ is fully aware of, anti-trust behavior is economically and physically harmful to the general consumer and business community.

We are looking for the DOJ to enforce the anti-trust to include:

- 1) Full application document format disclosure and POSIX sample to read and write to and from those documents. This include Word, Excel, Power Point, Visio, Outlook/Exchange email, Outlook/Exchange contacts, Outlook/Exchange events, and MS proprietary audio and video formats.
- 2) Full disclosure of Win32 API calls. Those not officially supported should be noted as such.
- 3) To allow OEM manufacturers the full ability to provide alternative OS's to the consumer in both single and dual boot configurations. To prevent them to hide alternative operating systems.
- 4) To natively support open multi-media formats including MP3.

It is uncertain that these remedies will counter-act the damage that has already occurred to software manufactures like Be and ourselves. Even if the BeOS had 1% of the consumer market, it would have been a multi-million

dollar business to ourselves. If we had a few million dollars, we would probably take legal action against MS for punitive damages. I would suggest that Microsoft should pay damages to companies like ourselves and pay a company to license the BeOS from Palm, plus \$500M to allow the BeOS be offered to the consumer public.

Please contact me with any questions you may have regarding this.

Regards,
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